

EXECUTIVE SUMMARY

New Mexico Child and Family Services Review Final Report

The Child and Family Services Review (CFSR) is the essential vehicle for the U.S. Department of Health and Human Services' Administration for Children and Families (ACF) to evaluate State efforts and promote child welfare practices that lead to improved outcomes for families.

New Mexico was the fourteenth State to participate in a Child and Family Services Review (CFSR). This review was conducted in accordance with section 1123(A) of the Social Security Act and sections 1355.31 through 1355.37 of Title 45 of the Code of Federal Regulations (CFR). A list of commonly used acronyms is included (see Attachment B) at the end of this report.

The CFSR was completed as a partnership between ACF and the New Mexico Children, Youth and Families Department (NM CYFD). The CFSR is made up of two major phases. The first phase of the CFSR is the Statewide Assessment (SWA). The SWA consisted of a self-evaluation of New Mexico's services to families and children and an analysis of the NM State data profile. The profile was derived from data for Federal Fiscal Year (FFY) 1999 contained in the Adoption and Foster Care Analysis and Reporting System (AFCARS) and for Calendar Year 1999 from the National Child Abuse and Neglect Data System (NCANDS). The profile highlighted key performance indicators related to safety and permanency for children entering the child welfare system. From this profile, New Mexico developed a Statewide Assessment (SWA) Team, which evaluated and then described the process, procedures and policies of its child protective services, including foster care and adoption in a candid and comprehensive report. The NM SWA was submitted in March 2001. It focused on the outcomes and systemic factors that enable the State to carry out child welfare services.

The second phase of the CFSR involved an on-site review, conducted in three counties across the State during the week of August 27 - 31, 2001. The purpose of the on-site review was to assess the quality of services and outcomes to children and families served by the NM CYFD. This was accomplished by an intensive examination of 50 cases, drawn at random, representing children who were served by the system during the period under review (April 1, 2000 through May 13, 2001). The 50 cases were divided between 29 foster care and 21 protective service (in-home) cases.

The following three sites were selected for the on-site portion of the NM CFS Review:

1. Bernalillo County is the largest metropolitan area in the State. Bernalillo County includes the city of Albuquerque, it is the population center of New Mexico and it has the largest number of cases of children in custody.
2. San Juan County was selected because it has a large Native American population and, therefore, tribal relationships are paramount. San Juan County has experienced above average staff vacancy rates and also experiences a high number of emergency placements. Farmington is in San Juan County.
3. Dona Ana County, the third site, has a lower than average staff vacancy rate, a significant number of families who only speak Spanish, a lower than average rate of pending investigations and the availability of some unique resources. The City of Las Cruces is in Dona Ana County.

A team of fifty-eight (58) Federal, State and community reviewers and team leaders made up the NM CFS Review Team (See Attachment A). The review team rated cases in relationship to the three goals of safety, permanency and well-being. The ratings were derived from documentation in the case records as well as from interviews with those involved with the cases, including: parents, caseworkers, foster parents, service providers and, when appropriate, the children themselves. A detailed description of the findings is included in the attached Summary of Findings.

Individual and group interviews were also conducted with more than 100 selected stakeholders who have the knowledge and experience to describe and assess child and family services in New Mexico. The stakeholders included foster parents, judges, attorneys, defense attorneys, caseworkers and their supervisors, guardian ad litem, police, and advocacy group representatives. The primary purpose of these interviews was to independently assess the quality and effectiveness of the outcomes and systemic factors of the NM child welfare system.

Four sources of information go into the determination of substantial conformity. These include: the statewide assessment (SWA), the 50 case reviews, the stakeholder interviews and a State's level of conformity with the national standards on statewide aggregate data as indicated on the state data profile. Two sets of information are used to determine substantial conformity on each of the seven outcomes: the percentage of cases reviewed in which the outcome was determined to be substantially achieved and the State's performance on the statewide data for which national standards have been established. In order for the State to be determined to be in substantial conformity on any

given outcome, the outcome must be determined to be substantially achieved in 90 percent of the cases reviewed during this first review and 95 percent in subsequent reviews.

The review team found both strengths and areas needing improvement in the NM child welfare system. Of the outcomes and systemic factors evaluated, New Mexico was determined to be in substantial conformity in six of the seven systemic factors and in one of the seven outcomes: the second safety outcome – children are safely maintained in their homes whenever possible and appropriate.

In terms of safety, New Mexico did not meet the national standard for repeat maltreatment (State's percentage – 8.3%, national standard 6.1%). Aggregate data were not available for the data profile regarding the national standard for maltreatment of children in foster care during the review period, because New Mexico law at the time required investigations of allegations of maltreatment in foster care to be investigated by law enforcement. Although aggregate data was not available for the data profile, the State did provide data in their SWA addressing this issue and according to the data provided, the State would not meet the national standard. Strengths were identified regarding New Mexico's statewide centralized intake (SCI) in regard to the consistency of how reports or referrals are received and investigations initiated; however, stakeholders expressed concerns regarding the number of reports being screened out through the process.

In terms of permanency, strengths were identified regarding foster care re-entries and stability of foster care placements. In cases that needed improvement regarding permanency, reviewers identified inconsistent after care services and delays around adoption. The State met three of the four permanency related national standards. (Foster care re-entries: State's percentage 7.2%, national standard 8.6%; length of time to achieve reunification: State's percentage 86.3%, national standard 76.2%; stability of foster care placements: State's percentage 88.7%, national standard 86.7%); however, the State did not meet the national standard for adoption (State's percentage 28.4%, national standard 32.0%).

In terms of well-being, the findings of the review indicate that the State performed better on the second well-being outcome (WB 2), children receive appropriate services to meet their educational need, as compared to the first and third well-being outcomes. WB outcome one is families have enhanced capacity to provide for their children's needs and WB outcome three is children receive adequate services to meet physical and mental health needs. Each of the

items related to the three well-being outcomes are rated as areas needing improvement. Concerns were voiced regarding the impact of worker turnover and staff vacancy rates on the well-being outcomes.

Of the seven systemic factors reviewed, New Mexico was found to be in substantial conformity on six of the systemic factors. These six systemic factors are: Statewide information system, case review system; quality assurance system; training; agency responsiveness to the community; and foster and adoptive parent licensing, recruitment, and retention. New Mexico was found not in substantial conformity for the systemic factor on service array.

The State is operating a statewide information system called the Family Automated Client Tracking System (FACTS). FACTS can readily identify the status, demographic characteristics, location and goals for each child in foster care. While FACTS is capable of capturing information relative to the status of children in foster care, NM's Adoption and Foster Care Reporting System (AFCARS) data submissions for the period under review showed no child records with a date of entry into care prior to 1997. NM is working on correcting this problem, so that the information is accurately reported to AFCARS, the mandatory Federal reporting system. While the issue may be a technical one, it is very important. The accuracy of all the child welfare data, including that reported to AFCARS, is critical to New Mexico as it will be used to evaluate progress in the program improvement plans, to determine the State's success in completing the plan, and in subsequent CFS reviews. Beyond this initial CFS review, we will no longer accept an alternate source of data for the foster care indicators as we did for this review, and will rely on the accuracy of New Mexico's AFCARS data.

While the State has an array of services in place consistent with the requirements of the systemic factor, reviewers rated these as insufficient to meet the level of identified needs. Virtually every stakeholder, both internal and external to the State agency, reported erosion of the service array in recent years. Stakeholders attributed this phenomenon to the transition to managed care. Many of the identified needs, such as dental care, mental health services, domestic violence services, and substance abuse treatment require coordination with stakeholders and others outside the protective services division of NM CYFD. New Mexico is a State with a large rural population and isolation can be a barrier to the provision of certain services in some locations.

KEY FINDINGS RELATING TO SAFETY, PERMANENCY AND WELL-BEING

The description below provides a brief overview of the findings for each outcome and systemic factor.

I. SAFETY

Safety Outcome 1

Children are, first and foremost, protected from abuse and neglect Not in Substantial Conformity

Safety Outcome One (S1) evaluates both timeliness of investigations and incidents of repeat maltreatment (abuse or neglect). Across the three sites in NM, a pattern emerged that emergency (Priority 1) cases were frequently handled in accordance with policy, but that the non-emergency (Priority 2) cases were not always handled within the required time period. The national standard for recurrence of maltreatment is 6.1% and New Mexico's statewide aggregate data for this outcome is 8.3%. Therefore, New Mexico does not meet the national standard for recurrence of maltreatment. Although aggregate data was not available for the data profile in regards to the national standard for maltreatment of children in foster care, the data the State provided in their SWA addressing this issue indicates the State would not meet the national standard. During the on-site portion of the review, eighty-six percent (86%) of the cases in NM received a rating of substantially achieved, however 90% is required to be in substantial conformity, therefore safety outcome (S1) was not found to be in substantial conformity.

Safety Outcome 2

Children are safely maintained in their homes whenever possible and appropriate In Substantial Conformity

The second safety Outcome (S2) takes into consideration the services provided to families to protect children and to prevent removal/out of home placement and to consider the assessment of the risk of harm to children. Ninety percent (90%) of the cases reviewed in New Mexico were rated as substantially achieved. The review team identified strengths in the way cases move quickly and successfully from the investigation phase to being opened for services,

and in the provision of family preservation services (FPS) to families. Based on these findings, New Mexico was determined to be in substantial conformity on Safety Outcome 2 (S2).

II. PERMANENCY

Permanency Outcome 1

Children have permanency and stability in their living situation Not in Substantial Conformity

This outcome includes re-entries into foster care, the stability of foster care placements, permanency, independent living services, and adoption. In the SWA New Mexico met the national standards for the number of foster care re-entries, the length of time to achieve reunification, and the stability of foster care placements. Independent living services for youth aging out of care were identified as an area of strength. Another strength identified is the concurrent planning initiative, a program that involves training judges, advocates, foster parents and attorneys in the concurrent planning strategies and includes the re-writing of some procedures. However, New Mexico's latest adoption data indicate that 28.4% of adoptions are finalized with in 24 months. The national standard is 32.0%; therefore NM does not meet the national standard on length of time to achieve adoption. Concerns were voiced regarding the impact of full court dockets in regards to achieving permanency. For Permanency Outcome 1 (P1) 86% of the cases reviewed were rated as being substantially achieved. A score of 90% is needed for conformity, therefore this outcome was determined not to be in substantial conformity.

Permanency Outcome 2

The continuity of family relationships and connections is preserved for children Not in Substantial Conformity

The second permanency outcome (P2) addresses the extent to which family relationships and connections are preserved for children in foster care. This outcome includes the proximity of foster care placements, placement with siblings, visitation with family, preserving connections, relative placement, and the relationship of the child in care

with his/her parents. Seventy-nine percent (79%) of the cases reviewed were rated as substantially achieved on this outcome, which is below the 90% threshold for substantial conformity. While NM successfully utilizes relatives as placement options for children, maintaining the relationship of the child in care with his/her parents and visiting with parents and siblings in foster care were identified as areas needing improvement.

III. CHILD AND FAMILY WELL-BEING

Well-Being Outcome 1

Families have enhanced capacity to provide for their children's needs Not in Substantial Conformity

The first well-being outcome (WB1) evaluates whether families receive services to enhance their capacity to provide for and meet their children's needs. It addresses the needs and services of the child, parents, and foster parents; the involvement of children and families in their case planning; worker visits with each child, and worker visits with the parents. Seventy-four percent (74%) of the NM cases reviewed were rated as substantially achieved and, therefore, New Mexico is not in substantial conformity on outcome WB1.

Well-Being Outcome 2

Children receive appropriate services to meet their educational needs Not in Substantial Conformity

The second well-being outcome (WB2) addresses the educational needs of the child(ren). According to the cases reviewed, children's educational needs are being identified and addressed in most cases and even more so in foster-care cases than in protective service (in-home) cases. Reviewers noted workers and foster parents attending school meetings and being involved in educational planning for children. In 83% of the cases reviewed in NM this outcome was rated as being substantially achieved. This is just below the 90% needed to be in conformity, therefore it is determined that New Mexico is not in substantial conformity on this outcome.

Well-Being Outcome 3
Children receive adequate services to meet their
physical and mental health needs
Not in Substantial Conformity

The third and final well-being outcome addresses the physical, dental and mental health needs of the child(ren). In most of the cases reviewed in New Mexico medical health records were found in the case files. However improvement is needed around meeting the dental and mental health needs of children. In 72% of the cases reviewed, this outcome was rated as substantially achieved. This falls below the 90% required, therefore this outcome is found not to be in substantial conformity. The review of cases and stakeholder interview indicate that there is a need to strengthen attention to both the physical and mental health needs of children.

KEY FINDINGS FOR THE SEVEN SYSTEMIC FACTORS

In the CFS review process seven primary systemic factors are used to evaluate the overall child welfare system in each State. The following determinations were made about the systemic factors in New Mexico.

IV. STATEWIDE INFORMATION SYSTEM - In Substantial Conformity

New Mexico CYFD utilizes a comprehensive statewide information system called FACTS that is capable of capturing information relative to the status of children in foster care. FACTS is accessible and used by all CYFD staff and can identify demographics, location, characteristics and goals for every child. However, one area needing improvement is the State's submissions to AFCARS of historical data. For the period under review, no child records in the AFCARS submissions had a date of entry prior to 1997, the year the State converted to FACTS. AFCARS is the required source of data for the CFS reviews in subsequent years, therefore, the State must correct the system's inability to report historically accurate data to AFCARS for future CFS reviews.

V. CASE REVIEW SYSTEM - In Substantial Conformity

The review determined that children have written case plans, which include the required provisions. Court hearings and administrative reviews are held at required intervals. Caseworkers, attorneys, and guardians ad litem were described as experienced and prepared. Although the State's more rigorous time frames for permanency hearings were not always met; the Federal time frames were met. New Mexico is in substantial conformity on this systemic factor.

VI. QUALITY ASSURANCE SYSTEM - In Substantial Conformity

The review determined that the agency has a quality assurance system that assesses the safety and quality of services that are delivered to children in substitute care placement. New Mexico has developed and implemented standards to ensure children are provided with quality services to protect their health and safety. New Mexico adheres to licensing standards and monitors cases. New Mexico CYFD was found to be in substantial conformity on this systemic factor.

VII. TRAINING - In Substantial Conformity

New Mexico offers core and advanced training opportunities for staff. CYFD is collaborating with community partners in terms of providing training. Stakeholders indicated some concerns about the quantity and quality of the training foster parents receive. Follow-up training was not always built into the training structure and a comprehensive training on the Indian Child Welfare Act was not mandatory. Cross-cultural training for foster and adoptive parents that insures that children's cultural needs related to customs, grooming, dietary needs, and religious practices was not always available. New Mexico was found to be in substantial conformity on this systemic factor even though there is a need to update some training curricula.

VIII. SERVICE ARRAY - Not in Substantial Conformity

Although basic services are in place, the findings of the review indicate that the service array is insufficient to meet the identified needs. Stakeholders reported erosion of the service array in recent years. Two of the three performance indicators under this systemic factor were determined to be areas needing improvement. The review determined that New Mexico was not in substantial conformity on this systemic factor.

IX. AGENCY RESPONSIVENESS TO THE COMMUNITY- In Substantial Conformity

NM CYFD has implemented procedures to solicit community responses to child welfare issues, however the review identified the State's process for developing annual reports of progress and services delivered pursuant to the CFSP in consultation with community representatives to be an area in need of improvement. Two of the three performance indicators were determined to be strengths. New Mexico was found to be in substantial conformity on this systemic factor.

X. FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT AND RETENTION - In Substantial Conformity

In New Mexico licensing standards for foster and adoptive homes have been implemented and were applied uniformly in both relative and non-relative homes. The State has maintained standards to assure the health and safety of children who are placed in care by the Department. The State is in compliance with Federal requirements for criminal background clearances. Additionally there are on going efforts to recruit providers to meet the needs of children in substitute care in the State. New Mexico was found to be in substantial conformity on this systemic factor.